

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re Namenda Direct Purchaser Antitrust
Litigation

THIS DOCUMENT RELATES TO:
All Direct Purchaser Actions

11/8/2017
granted
Case No. 1:15-cv-07488-CM (JF)

MEMO ENDORSED

**FOREST'S MOTION TO FILE SUMMARY JUDGMENT
MEMORANDA EXCEEDING PAGE LIMITS**

Forest respectfully moves this Court for leave to file summary judgment memoranda exceeding the page limits set forth in Your Honor's Individual Practices and Procedures. Forest respectfully requests that the Court permit Forest to file one summary judgment memorandum, not to exceed 65 pages. Forest also respectfully requests that the Court permit one 25-page brief for its reply memorandum of law.

The breadth and scope of the issues in this case warrant a summary judgment brief that exceeds the 25-page limit set forth in Your Honor's rules, as Forest will need to address all of Direct Purchaser Plaintiffs' ("DPPs") allegations that do not raise genuine issues of material fact. The DPPs' 81-page complaint includes five counts of alleged violations of Section 1 and Section 2 of the Sherman Act. In February 2017, prior to discovery, DPPs filed one 25-page brief for collateral estoppel and partial summary judgment on Count One and one 20-page brief for partial summary judgment on Count Five. ECF Nos. 136, 140. Defendants cross-moved for partial summary judgment on Count Five. ECF No. 161. This Court's ruling on May 13, 2017 granted

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a portion of DPPs' motion for summary judgment on Count 1, but denied all other motions, thus leaving the vast majority of DPPs' allegations in the case.

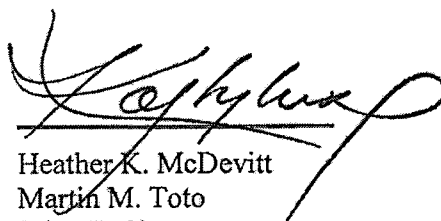
Additionally, although DPPs' expert reports fail to address a number of DPPs' original claims whatsoever, including claims that all settlements with generics other than Mylan are anticompetitive, Plaintiffs refused to concede that they have abandoned those claims when Forest suggested a stipulation narrowing the case during an October 5 meet and confer. Thus, Forest is forced to address each of those allegations in their summary judgment brief as well.

Forest hereby seeks the Court's permission to file one longer brief to address those claims that Plaintiffs have either abandoned or for which there is no genuine issue of material fact warranting trial. Forest believes that 65 pages is a reasonable number to adequately and efficiently address those claims.

During the meet and confer process prior to filing this motion, DPPs were willing to consent to Forest's request for a page limit extension of 50 pages with an equal number of pages for their opposition, but have informed Forest that they would oppose a page limit extension of 65 pages.

Forest has not previously made any requests for a page limit extension with respect to summary judgment briefing.

Dated: November 8, 2017



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Laboratories, Inc., and Forest
Laboratories Holdings Ltd.**

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2017, true and correct copies of the following were filed via the Court's CM/ECF system, and confidential versions of the below materials were served upon all parties via electronic mail:

- Forest's Motion to File Summary Judgment Memoranda Exceeding Page Limits;
- Proposed Order.

Dated: November 8, 2017
New York, NY

Respectfully submitted,

/s/ Kristen O'Shaughnessy

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